

**AN ORDINANCE BY**

**03- O -1469**

COUNCIL MEMBER DEBI STARNES

AN ORDINANCE TO ABANDON THE FOLLOWING PORTIONS OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A," and THE PLAT ATTACHED AS EXHIBIT "B": (1) VENABLE STREET FROM ALEXANDER STREET TO MILLS STREET, SAID PROPERTY LYING AND BEING IN LAND LOT 79 OF DISTRICT 14, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the Coca Cola Company (the "Applicant"), one of the abutting property owners, will file a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the abutting property owners to the abandonment; and

WHEREAS, this abandonment request will be reviewed by the proper related agencies of the City and with Public Utilities; and

WHEREAS, the Applicant agrees to compensate the City for the fair market value of the City's interest in the property proposed for abandonment.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: The Applicant will petition for the above-referenced street abandonment, and pay a fee of \$2,500.00, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances.

SECTION 2: That the Applicant will be required to meet all of the requirements of Section 138-9 of the City of Atlanta Code of Ordinances.

SECTION 3: That the portion of the above-referenced property, whose legal description is as shown on the attached Exhibit "A," is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 4: The Mayor, or her designee, shall be and is hereby authorized, after review by the appropriate agencies of the City, to appraise the fair market value of the right-of-way described herein, and prepare an appraisal report setting forth said fair market value.

SECTION 5: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

SECTION 6: That all costs associated with the appraisal report shall be charged to and paid from an account to be established by the Department of Finance, utilizing the funds paid by the applicant in connection with its abandonment request;

SECTION 7: That the Mayor is hereby authorized to execute a Quitclaim Deed to Applicant for the portion of the above-described property abandoned herein, upon receipt of payment in the amount of the appraised value.

SECTION 8: The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment. Applicant agrees to indemnify and hold the City harmless for any act or omission to act on its part after the portion of the street described herein are abandoned.

SECTION 9: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

## **EXHIBIT A**

- Legal Description to be provided by applicant.

**EXHIBIT B**

- Plat to be provided by applicant.

**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**